

FILED
SEP 12 2013
Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DREW RUDY WHITESHIELD,

Defendant.

CR-08-65-BLG-DWM

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On August 15 , 2013, after a hearing the previous day, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the June 13, 2013 petition for revocation of Whiteshield's supervised release. Docs. 87, 91, & 95. Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party did so. Failure to object waives the right to review. Fed.R.Crim.P. 59(b)(2). But consistent with this Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1985) this Court reviews for clear error. Clear error exists if the


Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Whiteshield admitted to Judge Ostby that he committed violations 1 and 3 in the petition by consuming alcohol and failing to complete sex offender treatment. Based on these admissions, Judge Ostby found that Whiteshield violated Special Condition Number 15 and Special Condition Number 3. Upon consideration of the relevant factors, Judge Ostby recommends Whiteshield’s supervised release be revoked and that this Court enter the proposed Judgment sentencing him to 6 months incarceration and 30 months supervised release.

I find no clear error in Judge Ostby’s Findings and Recommendation (doc. 95) and I adopt them in full.

Accordingly, IT IS ORDERED that Drew Rudy Whiteshield’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 12th day of September, 2013.



Donald W. Molloy, District Judge
United States District Court